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The History of the Shorter Workday

LABOR RESEARCH ASSOCIATION



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THE HISTORY OF THE SHORTER WORKDAY

LABOR'S HARD-WON GAINS

A century and a half ago, in 1791, journeymen carpenters in Philadelphia went on strike for a shorter day's work, with additional pay for overtime. Pointing out that they had "heretofore been obliged to toil through the whole course of the longest summer's day," they pledged themselves to carry out a new resolution: "That, in future, a Day's Work, *amongst us*, shall be deemed to commence at six o'clock in the morning, and terminate, at six in the evening of each day." ¹ That was the first recorded strike in this country for shorter working hours.

The 12- to 15-hour day of the 18th century has been progressively shortened by labor's efforts until by 1941 the eight-hour day, 40-hour week was at least recognized as a standard, while some union agreements called for a seven-hour day. To show this gradual cutting down of work hours we may quote figures for manufacturing industries during the past hundred years, by decades. For the 19th century these figures understate the average for all industry, since they are drawn largely from establishments where reduced hours made an earlier appearance than in the mass of American workshops.

By 1930 weekly hours in manufacturing averaged 43.5, reflecting an eight-hour day, 5½ days a week. The following years of depression and economic crisis saw the factory week cut down far below "normal" levels, because of unemployment and part-time work. But by the end of 1941, when war conditions had stepped up production, the hours worked in manufacturing again averaged over 40 a week.

AVERAGE HOURS OF LABOR

	<i>per day</i>	<i>per week</i>
1840	11.4	68.4
1850	11.5	69.0
1860	11.0	66.0
1870	10.5	63.0
1880	10.3	61.8
1890	10.0	60.0
1900	9.8	59.0
1910	9.4	53.0
1920	8.5	51.0
1930	8.0	43.5
1940	7.0	38.1

Source: Data for 19th century from T. S. Adams and Helen Sumner, *Labor Problems*, p. 518; P. H. Douglas, *Real Wages in the United States, 1890 to 1926*, p. 116; Leo Wolman, *Hours of Work in American Industry*, pp. 1-2. Hours per week, 1840-1880, estimated on basis of hours per day. Data for 1910-1940 from U. S. Bureau of Labor Statistics.

Labor's long fight to reduce hours has been only part of the larger struggle in this country and in other countries to improve all working conditions and to establish at least some control over jobs in factories, mills, mines and on the railroads. Workers of democratic America have proclaimed their right to act as free citizens, to take part in political and social life, to enjoy hours of recreation, to play with their children, to guard their own and their families' health and safety, and to secure themselves and their families against unemployment, illness and poverty in old age.

Few indeed in this country have as yet gained such freedom and security. But organized labor is now over 11,000,000 strong—more than twice its size at the end of the first World War. In recent years it has won signed union agreements providing for shorter hours and other gains hardly imaginable a hundred years ago. These latest victories are the fruit of those earlier

struggles when groups of unorganized workers dared to strike for a 10-hour day, then for an eight-hour day.

ON TWO FRONTS

Fighting through all these years on two fronts, directly for better terms on the job and also for state and federal legislation, labor has sought to limit hours of work, first for children and women, then for all workers. At every stage of the struggle it has met continued organized opposition from employer groups.

Owners of industry have given many different reasons for bitterly resisting shorter hours. Some have been frank enough to admit their fear that higher labor costs for shorter working hours might cut into profits. Usually concealing the profit motive in their century-long resistance to a shorter day, employers in earlier years tried to justify the long day on moral grounds, arguing that "Satan finds mischief for idle hands to do." To keep out of mischief, they said, employees must put in a 12-hour stretch after which they would be too exhausted to do anything else.

The company official leaning back in his comfortable desk chair has urged longer hours in his factory with the time-worn argument: "I work 10 hours a day and like it. Why shouldn't labor put in a longer day? One or two hours more—what's the difference anyway?"

He ignores the fact that he is usually free to go and come at hours of his own choosing; to take two hours for luncheon at the club; to see his physician or his dentist; do an errand; have an afternoon off for golf—all within working hours.

Nothing in this big boss' "working day" can be compared with the monotonous, repetitive machine job of the worker whose speed is regulated by the conveyor belt; who cannot go to the toilet or for a drink of water except at a stated moment; who punches a time-clock at the beginning and end of his day's labor. The worker's lunch period is set for him at half an hour,

three-quarters of an hour, sometimes an hour; but usually the time is too short for him to change his clothes and leave the plant. After eight hours of confining, mechanical labor, a man is often too tired even to take his wife to a movie in the evening.

Whenever labor carried the campaign for shorter hours into state legislatures and into Congress, employers' lobbyists were always there to oppose every limitation on the working day. Long, expensive cases fought in the courts have resulted in outstanding judicial decisions, some upholding, some nullifying, the hours legislation.

Opposition to the shorter workday has been led by the powerful National Association of Manufacturers, organized in 1895. For 30 years (1908-1938) this central agency of reaction maintained its special Washington lobbyist to interview congressmen and bring pressure against all progressive labor legislation.

As early as 1902, manufacturers' representatives appeared before a Senate committee in Washington to oppose a bill limiting to eight hours a day the hours of laborers and mechanics employed upon work done for the United States government. And in 1926 we find James A. Emery, general counsel of the NAM, warning manufacturers against the five-day week which he called "impractical."²

But despite bitter opposition by these organized manufacturers, federal wage-hour legislation finally passed in the form of the Fair Labor Standards Act of 1938. When the U. S. Supreme Court on February 3, 1941, in an epoch-making, unanimous decision upheld the constitutionality of this act, it ended a quarter century of conflict over the power of Congress to regulate working conditions in private industry. The high court has now ruled that this power extends to intra-state activities injurious to public health, morals or welfare and affecting interstate commerce.

Most of the gains in the shorter hours struggle have been won by labor's efforts, with the aid of those who advocated progressive labor legislation. Without labor's insistence and support,

state legislators and congressmen would never have voted for the shorter workday. Without the solidarity of union organization, labor would never have gained the eight-hour day or the five-day week. These victories have been achieved by strikes; by persistent, tireless building of trade unions; by picket-lines maintained in the face of starvation, blacklists, police clubs, tear-gas bombs, and bayonets. This story of 150 years' struggle against long working hours is a vital chapter in American labor history.

These 150 years may be divided roughly into three main periods. In the years from 1791 to 1825, the 12 to 13-hour day prevailed in all industry. During the latter part of this early period came the first industrial expansion of the young United States and the rapid growth of an urban population.

The second period, the movement for a 10-hour day, began about 1825 and lasted until the Civil War. These were the years of westward expansion, railroad construction, and increased employment in all branches of industry. Trade unions were developing in every industrial center and demanding a shorter workday. The 10-hour day was established for government employees by executive order of President Van Buren in 1840. By 1860 the 10-hour day had become the rule for skilled craftsmen, though not for the unskilled.

During the next 70 years, from the Civil War to the economic crisis and depression of the 1930's, labor battled for the eight-hour day. This struggle saw many victories and some defeats. The United States was rising to its full height as the richest industrial nation of the world. Increased concentration of capital and the growth of trusts during these years gave employers greater power in opposing trade union demands. But at the same time organized labor was developing its own strength and its understanding of issues affecting the workers' welfare. Unions were better able to relate the demand for a shorter workday to the broader movement for progressive labor legislation. The struggle on both these fronts came to a climax in

1938 when the 40-hour week in interstate commerce was established by law.

BEGINNINGS OF THE FIGHT

When the Philadelphia carpenters struck for a shorter workday in 1791, their community was one of the very few towns in the United States that had a population of over three thousand. By 1810 there were still only 16 towns of such size, but by 1840 there were 42 with a population of 3,000 or more.

Mill towns were springing into existence almost overnight in these early years of the republic. Wherever a river furnished water power or cheap transportation, a new industry developed. New inventions and new machines were rapidly transforming handicraft into factory production.

"Mechanical improvements were being introduced into every branch of manufacture. With increasing capital, labor-saving machinery, and the skillful adaptation of water and steam power, the factory era was well under way, and cotton, woolen and iron manufactures were established on an assured basis.

"The massing of laborers in factories and workshops meant the rapid growth of an urban population."³

The fight for shorter hours came along with the machine and the factory. For long centuries the working day had been from sunup to sundown. Poverty drove the workers, agricultural and handicraft, to the longest possible day. Nature set a limit. When daylight ended, work stopped.

When the machine came, the long day carried over. At first no one thought to change it. Then the employers tried to lengthen it. New lighting methods encouraged them. Samuel Gompers said that artificial light along with steam power and machinery brought capitalism's El Dorado, enabling the greedy employer to lengthen the "sun to sun" workday to the "maximum of human endurance."⁴ Workers in Peterboro, New

Hampshire, in 1846 protested against the factory custom of lighting up an hour or two before sunrise. They said that this making of "two evenings in every 24 hours" was "not only oppressive but unscriptural."⁵

In 1822, millwrights and mechanics in Philadelphia met in a tavern and said stoutly to one another that 10 hours' work in a day, from six to six, with an hour for breakfast and an hour for dinner, was enough. But they were still too weak to do much about it. In 1825, Boston house carpenters, 600 of them, made labor history by forcing the 10-hour day issue. They chose a time when building was going on busily, and struck when the master carpenters refused their demand. Behind the master carpenters were the real bosses, the big men who furnished the money and the materials for the building. These bound themselves not to hire men who were pledged to each other to refuse to work the "customary hours"—an idea they said that must be "of foreign growth"; nor would they engage master carpenters who hired such men.

The American labor movement was born of the shorter hours' fight. In 1827, Philadelphia mechanics went on strike for the 10-hour day. That same year other craftsmen joined with the mechanics in the first "city central," the Mechanics' Union of Trade Associations. Out of this, the next year, grew the first labor party, the Working Men's party.⁶ New York craftsmen won the 10-hour day by 1829, aggressively resisted employer attempts to lengthen it, and followed the Philadelphia workers' example with a Working Men's party.

New England workers continued to make history. In 1832, they organized the New England Association of Farmers, Mechanics and Other Working Men. The latter included factory employees. It was thus a sort of industrial union. Its field was both economic and political. Its members pledged themselves to demand the 10-hour day; taxed themselves for a war chest to help those penalized for such action; and ordered state vigi-

lance committees to promote reduction of hours through legislation.

The Association gave strength to Boston ship carpenters and caulkers who were conducting a bitter strike for 10 hours in 1832. Again it was the big men, the merchants and shipowners, tied in with the growing New England manufacturing concerns, who took the lead in breaking the strike.⁷ Boston and Charlestown shipyards locked out both the organized journeymen and the master carpenters who employed them.

All along the Atlantic seaboard, ship carpenters and caulkers were raising their 10-hour demands. In Washington, in 1833, carpenters determined to break the custom which they said bound them to their benches 15 to 17 hours a day. That same year in Baltimore, 17 crafts joined to demand 10 hours. In Paterson, in 1835, cotton operatives went out against 13½ hours, asking for 11; they went back to work 12.

That year, 1835, was the banner year in 10-hour history. Starting in Boston, the demand went southward, taking in industrial towns in Massachusetts, Connecticut, New York, New Jersey, and Pennsylvania. In Philadelphia, it started with coalheavers on the docks, and spread to carpenters, bricklayers, plasterers, masons, hodcarriers, painters; then to leather dressers, smiths, plumbers; then to the pieceworkers—cord wainers, cigarmakers, saddlers, printers; then to bakers whose demand was for suspension of baking on Saturday nights and Sundays.

Public opinion was changing. As usual the press was critical even when forced to agree that labor's demands were justified. A hostile financial editor admitted that a 10-hour day was long enough, but objected to the way the Philadelphia workers went at it to get the reduction. Parades with fife and drum, placards berating the "bloodthirsty aristocrats" were not to his liking. Master craftsmen met and voted to reduce the working day to ten hours. Municipal workers shared in the gain.

Starting in Philadelphia in 1836 when navy yard employees

petitioned the President of the United States for a 10-hour day, a campaign developed to extend shorter-hour benefits to government workers. This movement resulted in the famous executive order, issued by President Martin Van Buren on March 31, 1840, establishing the 10-hour day on all government works.

By 1840, under the impetus of this federal order, the principle of the 10-hour day was thus established for mechanics. But cotton mill employees were still toiling 11, 12 or 13 hours out of the twenty-four.

As in England, where the 10-hour day was finally established by law in 1848, legislation for a straight 10-hour day for all was now sought in this country. Factory hours had been 14, 16, even 18, around 1800. In 1839 in New England they averaged 73½ a week the year round. The manufacturers' drive for profits dominated the scene. It kept factory hours long; it also retarded the craftsmen's unions. Mill owners were fearful that the shorter workday would invade the factory. There is testimony that they would go to the master carpenters and forbid them to hire "ten hour men."

So craftsmen led off in the fight for 10-hour legislation. They based their demand on health needs. They said that 12 and 15 hours were too much for the physical nature of man to stand. It was a big fight. "Factory girls" of Lowell and other textile towns in the interest of "future generations" took a spirited part. So did many other good citizens. There were great public meetings, monster petitions, legislative investigating commissions. In one factory in Philadelphia, \$100 was raised to help get the 10-hour law throughout the country. In many places employers victimized workers who took part in the movement.

Results were meager. Ten-hour laws, all limited in various ways and, as it proved, unenforceable, were passed in New Hampshire (1847), Pennsylvania and Maine (1848), Rhode Island and far away California (1851), Ohio (1852), Connecticut (1855). Massachusetts, leading industrial state, and scene of the greatest agitation, did not get a 10-hour law for another

decade. Legislative efforts were more and more directed to the protection of women and minors.

In the fifties, trade union efforts for a shorter day swung back mainly to the fight on the job. The unions had gained in strength. They saw something better than a standard day fixed by law. By strikes and trade agreements, they could shorten their day; and then perhaps shorten it some more. If the employer broke the agreement, they could strike again.

They were seeing their problem anew at other points, too. They were now interested in making jobs for the unemployed. This they believed shorter hours would do. They also believed that in an expanding industrial situation, wages would go up as hours shortened. Employers feared the fight on the job. In 1853 in many plants the 11-hour day was adopted to head off reduction to ten.

The 35 years of the 10-hour day struggle, beginning about 1825, saw the westward movement of the population in the greatest territorial expansion of American history. Railroad construction in the West created a demand for materials and meant employment for thousands of wage-earners, skilled and unskilled.

Forges, foundries, machine and car-shops were booming. Improved machinery was introduced in every branch of manufacture. With the invention of the sewing machine in 1846, the needle trades and the shoe industry were revolutionized. Agricultural machinery, especially the McCormick reaper, was transforming the new West.

"The twenty years' interval between the crisis of 1837 and that of 1857 witnessed the most remarkable industrial development yet achieved in the United States. The wealth of the country was quadrupled in this 'golden age.' Riches multiplied more rapidly than population. Our per capita wealth in 1860 was more than double that of 1840, more than three times that of 1790."⁸

This industrial expansion was not seriously affected by the financial panic of 1857. Most producers were little disturbed by the crisis and no prolonged depression followed Wall Street's temporary setback. But the years of Civil War brought fundamental changes, reflected in the young labor movement.

THE EIGHT-HOUR STRUGGLE DEVELOPS

During the Civil War years there arose a movement for a general eight-hour day. A few unions had already won this demand. Carpenters and caulkers in the Charlestown Navy Yard had it as early as 1842. But 10 hours was the rule for craftsmen. The unskilled usually toiled a much longer day.

Skilled workers were now eagerly joining unions, and organizing on a national scale. Booming war industries created a demand for such men, but their wages rose much more slowly than prices and profits. They figured that when the soldiers returned to the labor market there would be wage reductions. Through their unions and new Eight-Hour Leagues they began to agitate for an eight-hour day. When the post-war depression came on and unemployment retarded union activity, the campaign for eight-hour legislation took on vitality. It unified the workers and paved the way for the first national labor organization.

Delegates from trade unions, other workingmen's organizations and Eight-Hour Leagues met in Baltimore in 1866 and organized the National Labor Union. One of the leaders was Ira Steward of the Boston Union of Machinists and Blacksmiths who had worked out a plan of action to win the eight-hour day and enforce it through the labor vote. Another leader was William H. Sylvis, of the Molders International Union, "the first great figure in the American labor movement."⁹

At the Baltimore Congress the question of the eight-hour day was a main issue. Legislation was the method endorsed. Employers' organizations to fight unions were springing up in

every industrial center. Yet the National Labor Union frowned on strikes and favored political action, whether through a labor party or through labor pressure for planks and support of pledged candidates. The delegates went home to work earnestly for labor laws. In 1867, through NLU activity, eight-hour bills were introduced in more than a dozen state legislatures. In six they became laws—Illinois, Wisconsin (for women and children), Connecticut, California, New York and Missouri.

The year 1868 was a milestone in the shorter hours movement. From time to time during the previous six years Congress had considered the question of an eight-hour law for government employees. Under the leadership of the National Labor Union the campaign gained headway until Congress finally passed the act of June 25, 1868, establishing the eight-hour day for all government laborers, workmen and mechanics.

This limitation on working hours was upheld in an opinion by the Attorney General. President Grant in 1869 issued a proclamation directing that no cut in wages should accompany the reduction in hours. By federal law, the principle of an eight-hour working day was thus recognized in the United States.

But neither federal nor state legislation met the expectations of the men and women who had fought hard to get it. State eight-hour laws were limited to jobs where there were no contracts to the contrary; and all were unenforceable. When the National Labor Union met in 1867 it had admitted the laws might as well never have been passed. It said that they were "frauds on the laboring classes."

Labor was learning through experience. Also years of industrial recovery soon gave the unions a better chance for successful strikes. As early as 1868, miners and other workers in Schuylkill County, Pennsylvania, struck militantly but without avail for the eight-hour day. That year New York bricklayers also went out with the same demand.

In 1871, New York building trades workers conducted a

spirited demonstration for the enforcement of the state eight-hour law and to make the eight-hour day standard for all workers. Negro workers and New York sections of the International Workingmen's Association participated. The International had been started in London in 1864 under the leadership of Karl Marx. In 1866, it had endorsed eight hours as "the legal limit of the working day."

Eight-hour strikes were widespread in 1872. Outstanding was the renewal of the New York building trades workers' activity. Nearly 100,000 went out in a three months' struggle. It was the largest strike on record up to that time. On June 10, workers filled the streets of downtown New York in a great parade with music, banners and militant slogans. When the strike ended the eight-hour day had been won by bricklayers, carpenters, plasterers, plumbers, painters, stone-cutters, stone masons, and others.

It was not a permanent victory. Only the stone-cutters were able to keep their gains during the bitter depression of the mid-seventies. And meanwhile the new employers' organizations were active in their opposition to the workers' fight. Nevertheless, a gain was registered. For whereas earlier in the century, employers were fighting against the 10-hour day, now they were fighting to keep it against labor's demand for eight.

During the 20 years following the Civil War, a new burst of economic development throughout the United States was interrupted only by the crisis and depression of the mid-seventies. It was mainly a period of unparalleled industrial expansion. In these two decades the total wealth of the country increased from \$16 billion in 1860 to \$43 billion in 1880, a gain of nearly 170 per cent.

"Universal buoyancy and unbounded confidence in the future rendered it easy to borrow money at home and abroad... The annual output of pig iron was doubled, that of coal quadrupled, while the production of steel increased a hundred-fold in the decade following on the war....

"The development of manufactures was no less phenomenal than that of mines. New inventions and improved machinery stimulated business enterprise in every line of production. . . . Notable among the material achievements of the war period was the utilization of a new and valuable raw material, petroleum." ¹⁰

But labor had little share in this material prosperity. The increase in industrial output during these post-Civil War years far exceeded the gains in employment and in total wages paid. Speed-up and new machinery in the plants meant greater output per man-hour. Fewer workers were producing more in less time.

The economic crisis and panic of 1873 were followed by industrial depression and unemployment more severe than the country had ever before experienced. The intense suffering of the depression stirred workers to united action. They conducted such militant strikes that employers were terrified, and turned to the government for help. Aid for employers came in the form of state militia and federal troops. This was the period when the great armories were built. They stand as monuments to capitalism's fear of awakening labor.

THE EIGHT-HOUR STRIKE MOVEMENT, MAY 1, 1886

When the wheels of industry began to hum again and big profits loomed, skilled workers were in process of rebuilding unions which the economic crisis had weakened. Closing their ranks in city centrals and national unions, they were preparing to fight for better working conditions. Once more the demand for shorter hours became the focal point of struggle. And once more it drove to wider labor organization.

The National Labor Union had passed off the stage about 1872. It had been followed by the short-lived Industrial Brotherhood. But in passing the Brotherhood left a legacy to labor. At its last convention held in 1875 it passed a resolution

setting July 4, 1876, as the date for the eight-hour day to be introduced by a "united movement on the part of the working masses of the United States."

No action resulted. Presently a new organization, formed largely by craft unions in 1881, the Federation of Organized Trades and Labor Unions of the United States of America and Canada, took up the eight-hour battlecry and put teeth into it. At its Chicago convention in 1884 it resolved that "eight hours shall constitute a legal day's work from and after May 1, 1886."

This was a bold step. The membership of unions affiliated with the F.O.T.L.U. was less than 50,000. How could it inaugurate a policy for all labor? The delegates went back to their unions with the understanding that they must prepare for a general eight-hour strike. The resolution was reaffirmed at the 1885 convention. Militant workers were now ready for action. Old trade unions grew in membership; new ones were formed under the stimulus of the eight-hour-day demand.

Even more ready for action than the skilled workers of the craft unions were the unskilled and semi-skilled who worked the longest hours. Many of them were in an organization that was older than the F.O.T.L.U., the Knights of Labor. Locals of the K. of L. included both skilled and unskilled workers. During the early eighties, the K. of L. conducted several strikes and won great prestige with labor.

When the eight-hour cry was raised by a little-known organization, the F.O.T.L.U., members of the K. of L., and non-members as well, assumed that this was a K. of L. program. Members joined the eight-hour movement with enthusiasm. Non-union men flocked into K. of L. locals to take part in the good fight. About 600,000 new members came into the K. of L. in 1885-86. Much of this growth was in early 1886 when preparation for the big strike was in full swing.¹¹

But secretly the K. of L. leadership was opposed to the eight-hour strike. Soon, of course, the origin and leadership of the

movement became known to all. This was one big factor in the decline of the K. of L. and the rise of the American Federation of Labor, formed in 1886. The F.O.T.L.U. merged into the AFL a few months after the eight-hour strike.

May 1, 1886, became historic. On that day thousands of workers in the larger industrial cities poured into the streets, demanding eight hours. About 340,000 took part in demonstrations in Chicago, Milwaukee, Detroit, Cincinnati, St. Louis, Baltimore, Washington, New York, Philadelphia, Boston and other places. Of these nearly 200,000 actually went out on strike. About 42,000 won the eight-hour day. Another 150,000 got a shorter day than they had had before.

Chicago workers supported the movement most vigorously. To combat labor organization and activity, Chicago employers organized and acted. Pinkerton detectives and special deputies were in evidence. Policemen were swinging billies and breaking up knots of workers on street corners.

At the factory gates of McCormick Harvester Co., where a strike meeting was being held on May 3, policemen swung their clubs and then fired into the running strikers. Some bystanders had started to heckle and attack imported scabs who were leaving the plant. The speaker at the meeting was August Spies, a member of the Central Labor Union, which had supported the May First strike. He was also a member of a militant labor group that was at the time influential in the Chicago Labor movement. Six workers were killed that day and many wounded.

Anger ran high through the Chicago labor movement. About 3,000 attended a protest meeting the next day at Haymarket Square. It was a peaceful meeting. Speakers were on their guard because the workers were tense. The Chicago press reported the speeches were less "inflammatory" than usual. Mayor Carter H. Harrison who was present testified later that the meeting was "peaceable." But as it was about to adjourn, policemen swooped down and ordered the audience to disperse. Then some un-

known person threw a bomb. It exploded, killing a police sergeant and knocking several score to the ground. The police opened fire. At the end of the day, seven policemen and four workers lay dead.

At once several Chicago labor leaders were rounded up and thrown in jail. Eight of these finally came to trial—Albert Parsons, August Spies, Louis Lingg, George Engel, Michael Schwab, Samuel Fieldon, Adolph Fischer and Oscar Neebe. The presiding judge helped pick the jury which was strongly anti-labor and hostile to the defendants. The trial lasted 63 days. All of the men were declared guilty of murder. All were given death sentences, except Neebe who got a 15-year prison sentence.

A nationwide defense campaign won wide popular favor. The case was appealed to the State Supreme Court which handed down its decision in the fall of 1887. It upheld the lower courts. At the last moment, as a result of widespread protests, the Governor of Illinois commuted to life imprisonment the sentences of Fieldon and Schwab. It was reported that Lingg "committed suicide" in his cell.

On November 11, Albert Parsons, August Spies, Adolph Fischer and George Engel were hanged. On the gallows Spies cried, "There will be a time when our silence will be more powerful than the voices you strangle today." Straightway the defense movement, now led by Albert Parsons' widow, Lucy Parsons, turned to efforts to have the remaining three men freed. Fieldon, Schwab and Neebe were finally pardoned by Governor Altgeld in 1893. He was fully convinced, he said, of the innocence of all the eight men.

Out of the eight-hour struggle which culminated in the strike of May 1, 1886, and its aftermath, the Haymarket tragedy, came international May Day. In Paris, France, on July 14, 1889, leaders from organized proletarian movements in many countries came together to form once more an international association of workers, patterned after the one formed 25 years earlier by Karl Marx. The First International, inaugurated in

1864, had been officially disbanded in 1872. At the first congress of the Second International, delegates listened to the story related by the United States representatives, considered a request from the American Federation of Labor for support of their eight-hour fight, and voted to make May 1, 1890, a day for an international eight-hour day demonstration.

Demand for the eight-hour day became the main slogan of the international May Day celebrations. At a later congress, the International extended the purpose of the day to include wider labor demands and world peace.¹²

EARLY AFL AND EIGHT-HOUR MOVEMENT

At its 1888 convention in St. Louis, the AFL had voted to continue the eight-hour strike movement. Amid great cheers, May 1, 1890, was fixed as the time for a second general strike. An aggressive campaign was begun. But at the 1889 convention, AFL officials persuaded delegates to agree to a modified program whereby workers in one industry at a time should strike, all the others supporting these—this process to continue until all had won eight hours.

But the final effect of this procedure was to slow down the whole movement. At first it seemed to promise good results. The Brotherhood of Carpenters, chosen to lead off, had a large membership, a solid organization and a sizeable treasury. For several years it had been accumulating a war chest for an eight-hour drive. The AFL levied an assessment on its affiliated unions and engaged paid organizers to help the carpenters.

As a result of this second May First strike in 1890, about 46,000 carpenters in 137 cities won the eight-hour day; many others got their hours reduced to nine. In other building trades, too, the eight-hour day was widely won, often by local strikes. By 1891 all branches of this industry in Chicago, St. Louis, Denver, Indianapolis and San Francisco were working eight hours. In New York and Brooklyn, carpenters, stone-cutters,

painters, and plasterers had won eight hours; bricklayers, masons and plumbers, nine.¹³

Gains were not confined to the building trades. A large proportion of all the strikes between 1888 and 1890 were for shorter hours. When in 1891 Gompers called on the national unions affiliated with the AFL to name three things on which that body should concentrate, every union included in its list the reduction of working hours.

Miners had been chosen to strike after the carpenters had won their demand. But that strike was never called. The United Mine Workers had been weakened by a long struggle in Pennsylvania. Large sections of the miners were still outside the union. Gompers later admitted that a strike by miners at that time could have been easily defeated.

Leading AFL officials were in fact growing cooler toward the eight-hour strike movement. In 1892 and for several years thereafter, the convention merely instructed the Executive Council to continue the eight-hour education and agitation. Attempts to revive the movement on May 1, 1896, and again in 1897, were not successful. Thus this phase of the shorter hours' struggle came to an end.

During these years, which saw the rise and decline of the eight-hour strike movement, workers made substantial gains in hours reduction. The unions were gaining in strength, becoming a stable factor in industry in the United States. A depression with mass unemployment lasting from 1893 to 1897 failed to destroy them. Militant strikes in steel, mining and railroads marked these years, including the great Homestead steel strike (1892) and the Pullman strike (1894) which brought Eugene V. Debs and his program of industrial unions into national prominence. A strike led by the United Mine Workers in 1897 won the eight-hour day along with wage increases and union recognition. Organized employers beginning in 1888 added to their list of weapons the injunction, destined to be used increasingly

until organized labor forced its limitation in the Norris-LaGuardia Act of 1932.

By the end of this century of struggle for shorter hours, the normal working week in the United States in manufacturing, building trades, coal mining, transportation, and for unskilled workers and government employees was 57.3.¹⁴ The mass of the workers had gained the 10-hour day. Some groups of workers had won eight hours. But hundreds of thousands still worked a 12-hour shift.

WINNING SHORTER HOURS, 1900-1920

With the turn of the century came a new development in American industry. The monopoly stage of capitalism was taking the place of earlier capitalist forms. Marked by greater concentration of production and capital, by merging of bank capital with industrial capital and the appearance of a financial oligarchy, this new stage meant increased power in the hands of a few.

By 1890 there were in the United States about 4,000 millionaires and multi-millionaires, whose property aggregated \$12,000,000,000. At that time the rich made up 9 per cent of the population and held 71 per cent of the wealth; the well-to-do were 28 per cent of the population and owned 20 per cent of the wealth; the poor made up 63 per cent of the population, but could claim only 9 per cent of the wealth.¹⁵

This estimate on the concentration of wealth in the hands of a few was widely quoted in labor papers of the time. It revealed class contrasts which were becoming more and more marked in the United States.

By 1904 there were 318 industrial trusts (apart from railroads and utilities) which represented consolidations or mergers involving 5,288 separate plants. Three-fourths of these trusts had been incorporated after 1897. The giant U. S. Steel Corp., for example, formed in 1901 by the J. P. Morgan interests,

represented a combination of the leading steel firms in the country. Of 78 large industrial companies in 1904, 26 controlled at least 80 per cent of their own industry.¹⁶

Such trustification of industry naturally gave employers greater strength in opposing workers' demands. By 1902 the already powerful National Association of Manufacturers was centering its anti-labor attacks on the national eight-hour law. These organized industrialists boasted that their resolution to Congress and their telegrams to individual congressmen defeated the 1902 bill for extension of the hours law. They denounced the proposed improvement as "a socialistic and artificial measure." The National Association of Manufacturers and the anti-labor League for Industrial Rights were together counted responsible for "having secured the defeat of all eight-hour measures from 1902 to 1912."¹⁷

But labor too was developing its strength. The American Federation of Labor increased its membership from about 350,000 in 1899 to over 1,676,000 in 1904. Every year the Federation went on record for: "Eight hours for work, eight hours for rest, eight hours for what we will." In a real program for progressive reduction of hours, the eight-hour day was the next logical step. But gradually, under the leadership of Samuel Gompers, the Federation drifted into a period of inactivity when it did little or nothing effectively to demand a shorter working day. Around 1900 it withdrew from any national hours movement, leaving to the separate unions all efforts to shorten hours by militant action or other strategy. At its 1907 convention the AFL recorded this negative position in the report of its committee on the eight-hour day. It declared that it was not at that time in favor of universal aggressive action for the establishment of the eight-hour day in as much as some trades were working 10 hours a day or in some instances longer.

Taking the struggle into their own hands, granite cutters in 1900 went out on strike for the eight-hour day and won it by their strength and determination. Over 140,000 hard coal

miners, led by the United Mine Workers of America, went out in May, 1902, for the eight-hour day and other demands. Miners had been working 10 hours a day, six days a week.¹⁸ It was a five months strike, bitterly fought by the Morgan interests who owned the largest anthracite mines.

Operators were certain they could open the mines if given enough military "protection." Governor Stone of Pennsylvania on October 6, 1902, obligingly sent in 9,000 men of the National Guard, but still no one could be found to mine coal. Finally, President Theodore Roosevelt accepted J. P. Morgan's proposal for an anthracite commission to arbitrate the strike. No labor representative was included on the commission; its decision was a weak compromise. But winter was at hand; strike funds were exhausted; miners' families were starving; and a small majority voted to accept the commission's findings. The men went back to work with certain gains, including the nine-hour day—not the eight hours they had demanded but an hour less than before the strike.

Soft coal miners had won the eight-hour day on April 1, 1898, as a result of their nationwide strike in the previous year. April 1 is always celebrated in the coal fields as the anniversary of this eight-hour victory.

Printers organized in the Typographical Union (later the International Typographical Union) at first sought the eight-hour day by a gradual reduction of working time. Their 1902 convention decided that local union contracts should provide for a 15-minute decrease in the day's work for each of four succeeding years. But such resolutions were not enough. Sporadic strikes for the eight-hour day were followed by a nationwide strike of union printers, beginning in January, 1906, and lasting most of that year. Special assessments to finance the strike totaled \$3,500,000 in two years. By 1907 the union convention could record that the eight-hour day was established in all large cities except Kansas City and Nashville, Tennessee.

It was a "struggle that will live forever in the history of the Union."¹⁹

Twelve years later the printers were seeking a 44-hour week to assure the Saturday half-holiday. But another long strike, starting May 1, 1921, was necessary before printers in the stronger locals finally won their 44-hour week demand. At every stage of this struggle employer interests fought against shorter hours. Manufacturers who had adopted the so-called American Plan threatened in 1921 to boycott any printing establishment that granted its employees the 44-hour week. But the strongly organized printers moved on from victory to victory until by 1931 they began to negotiate contracts for the 40-hour, five-day week.

Clothing workers, too, found the strike a necessary weapon for shortening hours of work. The main cause of the great Chicago strike of 35,000 men's clothing workers in 1910 was "long hours." Sweatshop conditions in the industry stood revealed as the long tense fight continued. But the United Garment Workers called off the strike too soon; the only gain was an agreement with Hart, Schaffner & Marx for a 54-hour week or nine hours a day for six days.

Over 100,000 New York clothing workers went on strike in 1913 for a 48-hour week, but were forced to accept a compromise. Learning by experience that a militant industrial unionism is necessary when unskilled employees outnumber skilled craftsmen, these New York garment workers pioneered in organizing the independent Amalgamated Clothing Workers in 1914. One of the new union's first demands was for the eight-hour day. A strike of 20,000 Chicago clothing workers starting in September, 1915, won the 50-hour week and strengthened the union. Not until January, 1917, however, was the 48-hour week generally established in the main clothing centers. By 1922 the Amalgamated had won the 44-hour week for 96 per cent of all clothing workers—the first union to secure it for almost an entire industry.

Threat of a nationwide railroad strike brought passage of the Adamson eight-hour law in 1916. War orders were increasing railroad traffic. Health and safety demanded fewer hours for railroadmen who had won a basic 10-hour day but were often required to stay on for a 16-hour run. In this 1916 fight for the basic eight-hour day, the American Federation of Labor co-operated with the rail brotherhoods. With 94 per cent of the "Big Four" brotherhoods' membership voting for a strike, the date was set for September 4, 1916. On appeal from President Wilson, Congress promptly passed the Adamson Act, signed by the President one day before the date set for the strike.

Railroad companies immediately began legal proceedings to challenge the constitutionality of this eight-hour law. The brotherhoods again set a strike date for March 17, 1917, unless the basic eight-hour day, with pay for overtime, was established. It took the U. S. Supreme Court only seven hours to find the law constitutional. Railroad workers had demonstrated the power of united, nationwide, organized mass action.

Two years after the World War ended, the AFL reported that its membership had doubled, from 2,021,000 in 1914 to 4,079,000 in 1920. The leaders of this great body of organized labor could have directed its full strength in support of unorganized workers in the movement for shorter working hours but did not. The test came in 1919 when 365,000 steel workers, largely unorganized, struck against the 12-hour shift. Many steel workers had been forced to work even 13 and 14 hours on the night shift in alternate weeks and to take the "long turn" of 18 to 24 hours every second Sunday at the change of shifts.

The Chicago Federation of Labor took the initiative in pressing for a national campaign under AFL sponsorship to organize steel workers in all the main centers of the industry. Despite many delays, the campaign finally got under way and organization work continued for over a year before the strike took

place. William Z. Foster, as secretary-treasurer of the organizing committee, became leader of the strike which lasted from September 22, 1919, to January 8, 1920.

As former general organizer for the Brotherhood of Railway Carmen, Foster knew at first hand what railroad workers had accomplished in 1916 by their solidarity and strength. He was fresh from leadership of a successful campaign in Chicago packing houses for the eight-hour day, won by a joint craft-union organizing committee. But in the great steel strike, the AFL top leadership failed to carry out the plans adopted for organizing steel on a comprehensive industrial union basis. AFL officials clung to the old craft lines which could not hold in the steel industry.

Largely because of this weakness and the failure of 24 separate unions to stand together, the strike was broken. Every possible weapon of terror was used against the strikers whose funds and resources were exhausted. But the strike was not a failure. Investigations during and after the strike showed that the eight-hour day could be introduced in steel with only a 3 per cent increase in costs.

In 1923 the American Iron and Steel Institute, employers' association, officially eliminated the 12-hour shift. But long hours persisted for another decade. In 1931 the eight-hour day was still a myth in the steel mills and more than half the employees worked 10 hours a day or more. Not until the Committee for Industrial Organization (now the Congress of Industrial Organizations) with its Steel Workers Organizing Committee won its historic agreement with the U. S. Steel Corp., March 2, 1937, was the basic eight-hour day and 40-hour week really established in this industry.

Hours legislation has always lagged behind labor's direct action to secure shorter hours. Even when a law was finally passed, such as New York's 10-hour law for bakers (1895), years of controversy over its constitutionality delayed its enforcement.

On the grounds of health and public safety, lower courts upheld the bakery 10-hour law only to have the U. S. Supreme Court in 1905 declare it unconstitutional in a close five to four decision on *Lochner v. New York*. The high court refused to admit that a baker's work was hazardous enough to justify limiting his work day to 10 hours. This was "the first instance of a protective labor law invalidated by the highest court in the land."²⁰ Organized bakers of New York did not wait for judges to agree, however. In 1905 they secured an agreement with the bakeries limiting hours of work to 10 a day.

Oregon's 10-hour law for women workers was tested in 1908 in the famous case of *Muller v. Oregon*. Muller, owner of a laundry, had employed a woman more than 10 hours in one day, was fined \$10, and had appealed to the higher courts. Arguing that women's health needed special protection, Louis D. Brandeis, later a Justice of the U. S. Supreme Court, presented a significant brief on medical and economic reasons why women should not work more than 10 hours a day. The Supreme Court in a unanimous decision upheld the 10-hour law, thus setting a precedent for upholding hours legislation for women. In 1915 the high court declared constitutional even the very inclusive California eight-hour law, the first state to establish a maximum eight-hour day and 48-hour week law for women.

State laws limiting hours of work for women and children were usually passed before any general hour laws. By 1914 a majority of the states had laws limiting the work of children under 14 to eight or nine hours a day. But in the South children were still allowed to work 10 or more hours.

By its historic decision, *Bunting v. Oregon*, the Supreme Court in 1917 upheld Oregon's 10-hour law which included men and was the first general hours statute to come before the highest court. Applying to all mills and factories the law provided for a 10-hour day and allowed three hours' overtime if paid for at overtime rates. In this case the high court quoted with approval the state supreme court's statement: "The cus-

tom in our industries does not sanction a longer service than 10 hours a day."

Thus courts were still debating the constitutionality of 10-hour laws during the years when strong unions were winning the eight-hour day. In reversing its earlier (1905) position on hour laws for men, the Supreme Court's 1917 decision quoted the shorter hour schedules for workers in other countries and said the average workday in the United States was then 9¾ hours. Trade union gains were thus gradually extended through hour laws that covered unorganized as well as organized workers.

IN THE 1920's

During the World War years there were sharp reductions in hours throughout industry. Labor shortage gave the trade unions an advantage which they followed up successfully. Notable gains were made. Between 1914 and 1919 the number of factory operatives working the eight-hour day more than quadrupled. In 1919 the International Labor Conference sought to standardize the eight-hour day, but the leading industrial countries did not ratify the proposal on this subject. Powerful forces were operating against the shorter-hours movement.

During the decade between the end of the war and the beginning of the great economic crisis in 1929 some of the gains were lost. Construction, railroad and mine workers for the most part kept the shorter workday they had won. But the percentage of factory employees on the eight-hour day declined from 48.6 in 1919 to 45.5 in 1929. Some companies reduced hours from 60 and 57 to 54 and 51 but others shifted back from 48 hours to 51 and 54.

However, the 60-hour week in factories was becoming less common. The percentage of those working 60 hours dropped from 12.1 in 1919 to 7.4 in 1929. And while in 1914 only 25.2

per cent of the factory labor force worked less than 54 hours, in 1929 the percentage was 70.4. "It is roughly true, then, that the 40 years [1890-1930] saw a shift from the typical 10-hour day in manufactures to the typical eight-nine hour day."²¹

Organized labor's fight for shorter hours has been the chief factor in getting the reductions, and trade union members on the whole enjoy the shortest hours. Available figures since 1914 show that the average weekly hours of these unionized workers tend to be from four to six less than for labor in general. But this is only part of the story. Standards set by the unions tend to lower hours for all. And organized labor has led the fight for shorter-hours legislation covering unorganized workers.

Characteristic of the twenties was the wide public discussion of the possibility of shorter hours and especially of the shorter workweek. The post-war depression brought unemployment to some six million in 1921. Thousands of demobilized soldiers returned home, looking for jobs. Technological improvements increasingly displaced men and took jobs away from more than two million workers between 1915 and 1930. These machines also intensified the speed-up.

During the decade a few firms experimented successfully with the five-day week. These were much discussed and Henry Ford made the headlines when in 1926 he announced that his plants would now go on a five-day week basis. It was in fact a policy of intensified speed-up. As Ford himself put it later, he would "pay six days' pay for six days' work done in five days."

New impetus was given the five-day week discussion by the AFL's adoption later in 1926 of a five-day week program. The AFL had long been on record for a shorter workweek as well as a shorter workday. Now it planned a campaign for the short week. It was not to be a very energetic campaign. No strike was to be called on this issue alone. But every affiliated national union was now to include the five-day week in its demands on employers.

There was a driving force behind employers' experiments,

public discussion and the new AFL policy. It was the fight of workers on the job. Under left-wing leadership, workers' militancy and sense of unity reached new high levels during this decade. In 1919 the New England textile industry had been swept by a renewed eight-hour movement. Mill workers wanted a straight eight-hour day with no reduction in weekly earnings. In Paterson, New Jersey, that year broad silk workers were among the first in the textile industry to strike and win the 44-hour week. In Colorado in 1927 coal miners included in strike demands enforcement of the state eight-hour law. In the South in 1929, workers at Marion, North Carolina, launched a bitter strike against a company refusal to grant a ten-hour day without wage reduction.

A major demand in some of the historic strikes of the twenties was for the five-and-a-half or five-day week. As early as 1908 some workers, through collective bargaining, had won the Saturday holiday or half-holiday. Between 1915 and 1919 the Saturday afternoon off became somewhat common in the organized building trades and in business offices; it was beginning to be granted in factories. United Mine Workers had included the five-day week in their 1919 demands. That same year the 44-hour week was an issue in the Seattle and Tacoma metal trades strike, out of which developed the Seattle general strike.

In the twenties the great textile strikes in Passaic, New Jersey (1926), and Gastonia, North Carolina (1929), included 44 and 40-hour week demands. In New York the ladies' garment workers struck among other things for 40 hours and the furriers extended a 40-hour demand to include 32 hours in the slack season. Men's clothing workers and the metal trades department of the AFL were also campaigning vigorously for the five-day week. Thus the shorter workweek gained ground, though slowly. By 1929 about a million workers, especially in the clothing, building, and printing industries were enjoying the Saturday half-holiday or its equivalent.

Great credit must go to the workers of the twenties who held

old shorter-hours gains and made some new ones. For the organized employers were arrayed against them more aggressively than at any previous time. Corporations dominated the post-war scene. Their coffers were bulging with war profits; their prestige was high because of their seeming patriotism and their "liberal spirit." Employers were paying lip-service to a new American philosophy of high wages and prosperity for all. They talked of shorter hours—to be attained through a process of "natural evolution." They organized "works councils" and "employee representation plans" (company unions) and seemed to the public to be negotiating with their employees for shorter hours.

But at the same time they were financing such great anti-labor agencies as the National Association of Manufacturers, the Chamber of Commerce of the United States, and a new organization with even more specific purpose, the American Plan-Open Shop Conference. They were in fact concerned throughout the decade with one thing—the continuation of profit-making. And this, they believed, called for the smashing of the trade unions and all the things for which organized labor had fought. There was no room in their American Plan for shorter hours enforced by the power of organized workers.

IN THE CRISIS YEARS

Then came the economic crisis, with closing factories and mounting unemployment. By November, 1933, nearly one-third of the workers previously listed as gainfully occupied were jobless. Labor's gains including shorter hours were engulfed in the great catastrophe. To be sure, hours were shortened during this period. But it was not through labor's fight nor through progressive legislation, but through the application of the employers' stagger system. Many workers hung on to their jobs but were employed for and paid for fewer hours.

"Work-sharing," as the employers called it, was in fact an

offensive against labor's living standards. Dividing wages was part of the scheme. Labor called it the "share-the-misery" system.

In the early months of the crisis, the six-hour day, five-day week or its equivalent was instituted in the automobile, steel, electrical manufacture, telegraph and telephone, oil, construction, food, publishing, and other industries. A 1932 survey by the U. S. Department of Commerce indicated that one-fifth of the workers employed had been kept on by a share-the-work policy and that the proportion was expected to reach 37 per cent.

Organized labor meanwhile was turning to regulation and legislation. Mass unemployment lent weight to labor's argument that hours should be shortened to make jobs. A demand by the railroad brotherhoods for a six-hour day on the railroads was argued before the Interstate Commerce Commission. The AFL focused its shorter-hour movement in a 30-hour bill in Congress. The Federation thus abandoned its position that, in general, hours should be shortened by trade union agreement while leaving special classes of workers to be protected by law.

Known as the Black bill, the AFL measure would have made the 30-hour week, six-hour day mandatory on employers engaged in interstate or foreign commerce. AFL officials said that this would make jobs for 6,500,000 of the unemployed. Their organ, the *American Federationist*, argued that a 28-hour week would give work to all. But the effect of the bill had it become law would have been to cut wages and throw the burden of the unemployed upon the backs of those who still had some sort of jobs.

This was clearly seen by the more progressive sections of the labor movement. Urging that the bill was only legalizing work-sharing unless it also provided for a minimum wage, alert workers were active in getting the bill amended. As a result, though the Black bill passed the Senate with no such provision,

a minimum-wage amendment was finally added to the companion bill in the House.

As the depression worsened, the AFL bill and employers' share-the-work plan were merged into President Roosevelt's legislative program. The keystone of the New Deal was the National Industrial Recovery Act, passed in 1933. This carried maximum hour and minimum wage provisions. Big business was in the main behind it. For one thing, business men knew that concessions must be made to labor. For another, they were to draw up and administer the industrial codes which would contain the labor provisions. AFL officials also endorsed the recovery act.

Pending the adoption of codes providing for maximum hours and minimum wages Roosevelt's "Blanket Code" was presented to business. This called for a 35-hour maximum week for factories; 40 hours for white-collar workers. Many exceptions were permitted. Though the code's acceptance was optional with employers, it was widely adopted.

When the codes were established a majority extended maximum weekly hours to 40. Numerous exceptions were allowed. There was no guarantee of minimum hours. There were no restrictions on speed-up which became the rule. Agencies set up by the National Recovery Administration for enforcement of the codes were widely defied by big business. Workers seeking the protection of NRA went vainly from official to official, from agency to agency. They called the NRA the National-Run-Around.

Progressive leadership in the unions sought actively to have maximum hours in the codes lowered, loopholes closed, speed-up eliminated, violators brought to heel. Meantime in some industries shorter hours were included in strike demands. In 1933, strikers in the Ford Motor Co. plant in Edgewater, New Jersey, demanded the 30-hour week; in the E. G. Budd manufacturing plant in Philadelphia, the 35-hour week. Ford and

Budd along with E. T. Weir of Weirton Steel Co. were among the industrial barons who most flagrantly defied the NRA.

Shortening of hours in general resulted from or accompanied the NRA. The AFL estimated that the workweek was shorter by four and a half hours at the end of 1933 than it had been a year before. With business still lagging, two or three days' work a week was all that was available for millions of workers. That the shorter workweek had not given jobs to the jobless in any large way was shown by the figures. Unemployment at the end of 1933 still stood around 16 million, as estimated by the Labor Research Association and the Alexander Hamilton Institute.

The shorter-hours movement on the whole gained ground during the crisis years. Maximum hours became part of the law of the land, along with the minimum wage. Although the National Industrial Recovery Act was declared unconstitutional by the United States Supreme Court in 1935, later legislation provided in new ways for shorter hours and a minimum wage.

THE BASIC FORTY-HOUR WEEK

For the first time in American history a law was passed in 1936 that established labor standards in plants making materials, supplies, articles, and equipment for the U. S. government. This was the Public Contracts Act of 1936, known also as the Walsh-Healey Act. Under its terms workers engaged on any government contract exceeding \$10,000 in value must be assured of the basic eight-hour day and 40-hour week and must be paid not less than the prevailing minimum wage of the industry and locality. Overtime hours must be paid at overtime rates, established as one and one-half times the basic hourly or piece rate.

In efforts to strengthen this law, the Congress of Industrial Organizations and other progressive groups proposed amendments to lower to \$4,000 the value of contracts subject to the

act, to include shipbuilding, and to require contractors to obey provisions of both the Fair Labor Standards Act and the National Labor Relations Act. But the National Association of Manufacturers with the co-operation of War and Navy departments succeeded in 1939 in striking out these amendments.

Under Public Act No. 671 (1939), the President is permitted to "suspend any or all of the labor standards when in his judgment such a course is in the public interest." Loopholes in the act itself allow suspension of its provisions if a government department head decides the government's business would be impaired by complying with its standards.

Despite its loopholes, however, the Public Contracts Act paved the way for further progressive legislation to shorten hours of work. By 1937 President Roosevelt in his special message to Congress (May 24) was calling for some means to be found that would insure "to all our able-bodied working men and women a fair day's pay for a fair day's work." He pointed out that "One-third of our population . . . is ill-fed, ill-clothed and ill-housed." His message reflected the demands of organized labor for adequate wages and hours legislation.

It took another year before progressives in Congress could overcome the opposition of filibustering reactionaries who were blocking passage of wage-hour measures. Finally the 75th Congress enacted the Fair Labor Standards Act of 1938, signed by the President on June 25, 1938.

Hours of work in industries affecting interstate commerce were progressively cut, under terms of this act, to 44 a week the first year, 42 the second year, and then to 40 a week from October 23, 1940. Overtime work must be paid for at the rate of time-and-a-half for hours worked beyond 40 a week. The U. S. Supreme Court on February 3, 1941, held the law constitutional.

Some 13 million workers or about one-third of all wage and salary workers in the United States are in industries covered by the Fair Labor Standards Act. About two million who had been working longer hours gained the basic 40-hour week in Octo-

ber, 1940, under this law. But the law specifically *excludes* many millions—employees in stores and other retail establishments; seamen; transport, farm and agricultural cannery workers; and employees in administrative, professional or executive work. This last group is now so broadly interpreted that even those earning only \$30 a week are excluded from the law's overtime provisions.

Workers in food processing, vegetable packing and canning have always been subjected to abnormally long hours during rush seasons. But the Fair Labor Standards Act specifically exempted these industries, first for 14 and then for 28 weeks, from the maximum hours and overtime provisions.

Violations of the Fair Labor Standards Act have been all too common. "The best way to enforce a law is to enforce it," said Colonel Philip B. Fleming, Administrator of the Department of Labor's Wage and Hour Division, reporting on the act in September, 1940. "The morning after a good case gets into the papers, employers invariably line up in front of our field offices, check books in hand."²²

But many thousands of wage-hour law violations never get into the papers and many employers never do pay what they owe to their employees in overtime wages. Colonel Fleming admitted his division could not keep up with investigation of complaints, although he reported 28,795 inspections in the year 1940.²³ After the Supreme Court's favorable decision early in 1941 enforcement became easier but constant vigilance is still necessary to prevent violations.

Manufacturers who had from the beginning opposed wage-hour legislation brought out a new argument against the 40-hour week when wartime production speeded up defense industries. They claimed that France was defeated in June, 1940, because French industry operated on a 40-hour week! The United States must beware, they argued, lest it fall into the same trap which caught France. They overlooked the fact that the French government had abandoned the 40-hour week two years

before France fell. Not 40-hour week regulations but Nazi sympathizers, the real fifth column of traitors within France, were responsible for the fall of the French republic.

Supplementing the Fair Labor Standards Act and the Public Contracts Act, state laws setting maximum hours for women workers in 1941 were in effect in all but five states (Alabama, Florida, Indiana, Iowa and West Virginia). Some of these state laws have high standards, such as 40 hours in South Carolina textiles, 44 hours in almost all Oregon and Pennsylvania industries, and 45 hours in manufacturing in Ohio. Other state laws are very limited in their benefits.

For some occupations in all states there are no legal limitations whatsoever to the hours that women may work. Generally agriculture and household service are exempted from state laws, as they are from the federal Fair Labor Standards Act. The numerous state laws applying only to women and minors may be regarded as stepping stones to a broad platform of wage and hour legislation for all workers in industry.

UNIONS WIN THE FIVE-DAY WEEK

Some four million workers in the United States in 1941 had the benefit of the five-day week or two days off in every seven. And this benefit was a direct result of trade union efforts to gain some measure of leisure for their members.

In the short space of 12 years the number of workers enjoying the five-day week increased ten times over, as shown in surveys of the National Industrial Conference Board, employers' research agency. In its first study of the shorter work week, the board found that at the close of 1928 about 400,000 employees in manufacturing and building operations were working on a five-day week basis. A few large non-union corporations such as the Ford Motor Co. were using the shorter workweek as a wage-cutting and speed-up plan, and most of the companies granted it only as a result of union demands:

"Most of the instances of five-day week operation that were found and studied are confined to certain industries in which, as a rule, labor is highly organized; . . . most progress in the spread of the five-day week has probably been in the highly unionized construction industry." ²⁴

Soft coal miners strongly organized in the United Mine Workers of America gained the 35-hour week by agreement with the operators early in 1934. On the seven-hour day, five-day week basis, this shorter workweek helped to alleviate unemployment in the mine fields but it took vigorous union leadership to win the demand.

By 1936, nearly 3,000,000 employees in about 1,400 companies, representing many industries, were working on a five-day week schedule, the Conference Board reported. By March, 1940, more than 3,000,000 plant employees and a considerable number of office workers were already on the five-day week. More than two-thirds of the companies questioned had put their plants on this basis. By April, 1941, when the war-time emergency was stepping up output, this employer's agency was predicting that "a five-day work schedule but a seven-day plant operating schedule with overlapping shifts will become more common as effort to secure maximum output is intensified." ²⁵ This prediction was fulfilled during the following months of increased wartime production.

Wherever practicable, unions seek to have the five working days consecutive from Monday to Friday, inclusive. Many union contracts specifically call for this arrangement of the workweek.

Office workers, slower to organize in trade unions, have been slower in gaining the two days off in seven. The trend toward the five-day week has been much less marked for office employees than for factory workers. Less than half (47 per cent) of companies on the National Industrial Conference Board list in March, 1940, had the five-day week in their offices. But the new 40-hour standard workweek, beginning in October, 1940, under the Fair Labor Standards Act, increased the number of companies adopting the two-days-off plan for office operations.²⁶

Many employers, however, were still trying in every possible way to avoid paying overtime rates to office workers. Some were calling in experienced former employees for temporary periods, or at rush times; others were introducing new speed-up devices to reduce time required for clerical work and thus do away with all overtime.

VACATIONS WITH PAY

In the long struggle to gain some opportunity for rest and recreation for their members, trade unions began about 1935 to raise a demand for vacations with pay. Many salaried clerical, technical and professional employees had enjoyed paid vacations for many years, but the movement to extend this benefit to industrial wage earners is recent. In the short period of four years between 1935 and 1939 the National Industrial Conference Board found the proportion of representative companies granting paid vacations had grown from 17.9 per cent to 46.4 per cent.

When the Steel Workers Organizing Committee (CIO) started organizing steel workers in 1936, a majority of steel companies hastened to grant vacations with pay, even before the union won its first written contracts in this industry.²⁷ Other unions soon took up the popular demand for paid vacations. By August, 1940, about two million union members, including both AFL and CIO, were getting annual vacations with pay under collective agreements with employers.

Most of the vacation plans in union agreements provide for one week's vacation with pay after a year's service with the company. About half a million union members in 1940 were working under contracts which provided two weeks for all or for part of the working force. Vacation periods of more than two weeks annually are still rare in union agreements.

During the past two years unions have been working to liberalize and extend vacation benefits. The United Auto-

motive Workers (CIO), for example, announced in the spring of 1940 that it had recently won paid vacations through contracts in 154 plants.

The strong United Electrical, Radio and Machine Workers (CIO) reported in September, 1941, that it had gained vacations with pay in contracts covering 370 plants and a total of about 290,000 workers. This was a major gain over the previous year when its contracts provided paid vacations for only 120,000 workers. In liberalizing the vacation benefits, this union has been able to win a longer vacation for those with longer service in 106 plants, covering 127,000 employees. It has won a two-week vacation for those employed one year in such important concerns as the General Electric Supply Co. (Cleveland and Los Angeles) and the Remington Rand Service; for those who have served ten months in the Ford Instrument Co. In other contracts this union has gained two-week vacations for those who have worked for the company two, three, four, or five years.

PAYMENT FOR OVERTIME

Overtime-pay arrangements now form an important part of most union agreements. As required by the Fair Labor Standards Act, all work beyond 40 hours a week must be paid for at least at the rate of time-and-a-half the regular rate. But many unions have sought and gained better terms than this time-and-a-half.

If work is necessary on Sundays or holidays it is a special tax on the worker who must thus lose his most precious free time. An increasing number of union contracts now call for double-time pay for work done on holidays or Sundays. To protect the five-day week, a majority of all union agreements call for time-and-a-half for work done on Saturday, even though such Saturday work may not involve working beyond the full-time weekly hours.²⁸ In a continuous process industry, however, where Saturday, Sunday and holiday work is a regular feature of

operation, straight time is usually paid unless working hours exceed 40 a week.

Of 116 union contracts analyzed by the National Industrial Conference Board in April, 1941, about half (56) called for double-time payments for holiday work and 42 called for double time on Sundays. These provisions for better overtime rates appeared in contracts of American Federation of Labor, Congress of Industrial Organizations and independent unions. Holidays most often recognized in union contracts include New Year's Day, Washington's Birthday, May Day (occasionally), Memorial Day, Independence Day, Labor Day, Armistice Day (less often), Thanksgiving, and Christmas. For these eight or nine holidays, unions may expect to gain overtime rates.

Most of the union agreements in nine important defense industries, analyzed by the U. S. Bureau of Labor Statistics in April, 1941, called for time-and-a-half to be paid for all work beyond eight hours a day and 40 hours a week. Many of these contracts also provided for double-time for work on Sundays and recognized holidays.

In its first contract ever signed with a trade union, the Ford Motor Co., in June, 1941, granted the United Automobile Workers of America double-time payment for work done on Sundays and holidays, including six main legal holidays.²⁹ Other automobile companies also have union agreements calling for this important double-time rate provision.

Under contracts signed by the United Electrical, Radio and Machine workers up to September, 1941, some 290,000 workers in 418 plants had secured double-time payment for Sunday or holiday work. They represented over 90 per cent of the total number of workers under contract. Among the important companies granting this double-time rate provision are: Westinghouse Electric & Manufacturing Co., General Motors Corp. (electrical division) and General Electric Co. This achievement shows what a wide-awake union can accomplish in obtaining benefits for its members.

To reduce unemployment in the industry some unions have stipulated in their contracts that union members shall not work extra overtime hours while other members have no jobs. In certain seasonal industries such as men's and women's clothing, the union agreements prohibit overtime work. By this prohibition the busy season is somewhat lengthened and the periods of shut-down are curtailed.

OTHER UNION VICTORIES

It took courage, determination, solidarity, and years of struggle to build these unions, able to protect members against exploitation in the form of long working hours and no leisure time. While the stronger unions have recently made notable gains in winning shorter hours, paid vacations, holidays and better overtime rates, other unions are still battling against an overlong workweek. Labor papers in 1941 recorded many union victories on working hours.

Department store employees have traditionally been slow to organize and their workweek has usually been longer than in organized industries. A 25-day strike of 1,500 workers, led by the United Retail, Wholesale and Department Store Employees (CIO), at Gimbel Brothers' big department store in New York City in August-September, 1941, won the 40-hour, five-day week. Strike pickets carried signs reading "40 and 5" as the union's main demand. In the final settlement strikers had their choice between continuation of the existing 42½ hour week, with a weekly wage raise, and the 40-hour week. They voted overwhelmingly in favor of the shorter hours.

These Gimbel strikers even won some protection against the excessive hours usually worked in department stores during the Christmas rush season. For those two weeks in December they now have a 48-hour, six-day week, but they won two extra days off after Christmas to compensate for the overtime work. This is an especially important gain since state restrictions on work-

ing hours in "mercantile establishments" are almost always suspended during the Christmas period. By Christmas Eve most department store employees are too exhausted to get much pleasure out of the holiday.

Only five days after the Gimbel strike victory, five big non-union stores in New York City granted their employees the five-day, 40-hour week. Other stores soon followed suit.

Metal miners in 1941 recorded a different kind of victory in a definition of working hours as from "portal to portal." On petition of the International Union of Mine, Mill and Smelter Workers (CIO), the Department of Labor's wage-hour division ruled that the workday in underground metal mining starts when the miner reports for duty as required, at or near the collar of the mine, and ends when he reaches the collar at the close of the shift. Time spent on the surface in obtaining and returning lamps, carbide, and tools, and in checking in and out, is also a part of the working day. Metal miners, the union pointed out, will now get eight hours pay for eight hours work instead of eight hours pay for nine and a half hours work.

Laundry workers, often forced to put in long hours of overtime on certain days of the week, are at last beginning to see the benefits of union organization. In Jersey City, a six-day strike, led by the Laundry Workers International Union and the International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers (both AFL), in July, 1941, won six paid holidays in the year, with no strings attached. The workweek was substantially reduced. Employees who were on a 54-hour week now work 49 hours; maintenance men who formerly put in as much as 70 hours won a 48-hour schedule.

In a two-year fight to establish a 40-hour week for cookhouse and maintenance workers in Northwest logging camps, the International Woodworkers (CIO) in July, 1941, won a court decision putting these employees under the Fair Labor Standards Act. *The Timber Worker*, union organ, commented: "The decision, at one sweep, reduces the workweek from the 75 to

80 hours which cookhouse workers serve in many camps, to the federal limit of 40, virtually emancipating the kitchen and bunkhouse slaves of the industry."

In the South a number of unions in 1941 won better overtime rates. The International Woodworkers in Little Rock, Arkansas, after a three-week strike signed a contract with Koppers Wood Preserving Co. in September (1941), making a new and remarkable victory for southern workers. About three-quarters of the local union membership are Negroes. The contract provides for time-and-a-half for overtime work and also for vacations with pay. The solidarity of other unions in the area, including AFL railroad workers in Little Rock shops, was an important factor in this victory.

In Georgia the strong American Federation of Hosiery Workers in September, 1941, signed a contract with the Albany Manufacturing Co., also including vacations with pay. The United Stone and Allied Products Workers (CIO) gained double time for Sundays and holidays in a contract with the Elberton City quarries in Georgia.

These gains in reducing hours of work and establishing the right to leisure are typical of many other such victories recently won by unions in various industries all over the country.

WHERE LONG HOURS STILL PERSIST

But while trade unions have thus established the right to some leisure for their members and federal laws have extended the 40-hour week to several millions, other large groups are practically untouched by such progress. Long hours persist for household employees and farm hands who are excluded from the benefits of the Fair Labor Standards Act, Public Contracts Act, and state maximum-hour laws.

Some three million, a majority of them women, are employed in domestic and personal service, still largely unorganized. About a million of these household employees are Negro

women and girls. This total does not include those working in hotels, restaurants, laundries, cleaning, dyeing and pressing establishments, all trades in which unions have made considerable headway in recent years. In household employment, the long hours and other conditions make it particularly difficult for workers to organize to improve their status.

Seldom does the household employee find working hours limited to a 48-hour week. Recent studies have shown that it is actually rare for the workweek to be even as short as 60 hours and often it is 70, 80, and even 90 hours. Long hours and the lack of any freedom in the evening are the main grievances of domestic service workers. Often while the master and mistress go out for an evening's entertainment, the maid must stay with the children. Or as one worker put it, when she is dead tired, usually about 10 P.M., she must take out Madam's dog for his evening walk.

The Domestic Workers Union in New York City seeks to win a nine-hour day, 54-hour week as a maximum; two weeks' vacation with pay and at least four paid holidays a year.

Another three to three and a half million who toil through long days are the agricultural wage workers. Their day is from sun-up to sun-down. The boss may be farm tenant, farm owner, planter or a corporation running a great commercialized farm.

Increasing numbers of these wage workers are in the army of seasonal labor and of these some 2,000,000 were migratory in the fall of 1941—in spite of defense needs. Often whole families are on the road. Some have never had a foothold on the land. Many have been driven from their farms by poverty. At the same time, demand for seasonal labor—but for much less than is available—has been created by the development of industrialized agriculture. The big grower's demand has been summarized thus: "As much labor as I want when I want it—and a quick riddance afterward."

Migratory workers follow the season of hops and citrus fruits, berries and beets, onions, potatoes and lettuce, cotton and cane.

"Can-see-to-can't-see" hours are often the lot of all—of women as well as men; of older children and smaller children, and of the aged.

To meet the needs of farm and processing workers, the United Cannery, Agricultural, Packing, and Allied Workers of America was organized in 1937. It grew out of a country-wide series of bitter strikes of agricultural labor, especially in the thirties. It is pitted against such employer organizations as the Associated Farmers which brings together industrialists, bankers and big farm operators.

Thus far the chief concern of this CIO union has been with wages and general working conditions.³⁰ It is urging extension of shorter-hours legislation to agriculture. A natural next step will be limitation of the working day in the fields by union contract.

FOR FAMILY, SOCIAL, AND CIVIC LIFE

In each period of the fight for shorter hours, workers have presented stout reasons for their demand. Most of these appeared early and were repeated in each phase of the movement, sometimes with differing emphasis. Workers have demanded more time for family life, more time for fun, for self improvement, for the duties of citizenship. They have put these natural human desires over against the employers' argument that shorter hours would lead to "temptations and improvident practices"; that the effect would be bad upon "the morals and well-being of society."

"To give working men and women more home life, more pride in their children," was put forward as an argument by leaders of the Eight-Hour Leagues in the Civil War period. Steel workers in Pennsylvania in the 1900's enduring the long day and the long week complained bitterly, "Home is just a place where I eat and sleep. I live in the mills." One of them said, "As I stood at the grave of my child, I pondered that I

had never known him. I want a shorter day so I can get acquainted with my other children."

Organized labor's campaigns to shorten hours in the sweated industries, whether in mill or homework, domestic service or on the plantation, have always emphasized the threat of long hours to the American home. Workers have also expressed over and over again their desire for the recreational and cultural activities which long hours make difficult or impossible.

When a 10-hour bill was before the New Hampshire legislature in the 1840's, workers and their friends argued that by such a law "operatives would be allowed the time for intellectual and moral culture which duty to themselves and to others most imperatively demands." In Massachusetts, the worker wanted shorter hours legislation so that he would have "a fair chance to use his brain as well as his muscle."

In the 1919 steel struggle against the long day and the long week, the argument was that while there were libraries and recreation halls in Braddock and Homestead and Duquesne, the steel workers were not patronizing them, nor could they without more leisure.

One of the most persistent pleas for shorter hours has been based on the worker's desire to be a good citizen. That, he held, required time for preparation. This was expressed most glowingly in the earlier years of the fight. Thus Philadelphia craftsmen, organizing a city central body around their 10-hour demand, held that long hours were incompatible with citizenship requirements. They did not allow the worker time for consideration of public questions. He was thus condemned to an inferior position in the state.³¹

Before the Massachusetts legislature in 1867 came the patriotic statement from those pressing for a shorter hours law: "A laborer in the United States needs more leisure or relief from toil than one in the same position in Europe because he has the elective franchise and is part of the Government."³²

Long hours in relation to citizenship were also an issue as

increasing numbers of the foreign-born entered industry. By 1910 there were in the United States some 13 million foreign-born over 10 years of age. One in every four could not speak English. Between 1911 and 1914 another three million arrived. If they were to become good American citizens it was important that they learn the principles of American democracy. A knowledge of the English language was important if they were to understand the orders and safety warnings in the factories, participate in community life and in the activities of the labor movement.

There was wide agitation therefore for night classes and these were gradually opened in most industrialized cities. But often the weary workers fell asleep over their primers. Oftener they did not get to classes at all. A Detroit study in 1915 records that city's experience with education for the foreign-born and it was typical:

"Some of them work ten or twelve hours a day. Some of them change shifts every week or two weeks. . . . If they finish work at six, even those who know about the schools and are interested are not likely to feel that they could go home, get supper and wash and change their clothes and get to night school in time."³³

Immigration practically ceased with the World War (1914-18). Foreign-born workers were gradually merged with the native-born, in industry, in the labor movement and in the continuing struggle for shorter hours. As new leisure hours have been won, unions have developed expanding social and educational programs for their members. Thus they are proving the sincerity and the realism of their century-long arguments for the shorter working day.

HEALTH AND SAFETY DEMAND REST

Older workers remember only too well the long day in the factories, how they came in at seven in the morning and often

did not get out till after seven in the evening. During winter months it was dark when they went in and dark again when they came out. In clothing industries, for example, even as late as 1910, before an industrial union arose to compel regulation, over-long hours exhausted the workers. As one study described it:

"Working hours during the 'rush' seasons were indefinite. It was not uncommon to work 15 or 16 hours a day, beginning as early as 5 A.M., and workers frequently were even required to take bundles home with them when they left at nine or ten o'clock at night. Old workers in the trade will tell you how they often slept in the shops in order to save time and carfare." ³⁴

Effects of such a day on the worker's life and health were obvious. He had no sunshine and little fresh air, except perhaps on Sundays. His meals were hurried and irregular. Sleep was dangerously little. Fatigue became overwhelming and ended in what Karl Marx called "the tortures of overwork."

Generations of workers toiling through such long days have been stunted in growth. Tuberculosis and diseases of their trades cut short their working years. Directly because of overwork the lives of countless thousands ended long before they had run the normal span of life.

Without adequate union supervision, the use of the conveyor or belt system in industry may result in physical and nervous strain on the workers. This fact is admitted in a recent study, *Fatigue of Workers*, by the committee on work in industry of the National Research Council. Psychologists and personnel directors who made up the committee reported:

"As soon as output standards are set for conveyors, each man must complete his job in the time prescribed. He is under pressure.... Under such conditions in the automobile industry, considerable fatigue developed, and we must look ahead to the time when more and more power-driven equipment will be used." ³⁵

Physicians recognize the disastrous effect on the worker's health of such intense, rapid work. Commenting on the dangers of speed-up, Dr. George M. Kober, a well-known authority on industrial medicine and occupational fatigue, writes:

"Among all the fatigue factors, none is more potent than the pernicious practice of 'speeding up.' In order to meet the demands of competition, lower prices, high profits, and trade supremacy, inventive genius is ever at work to increase the speed and output of machinery, and employees have to keep pace with the machine. This speeding up is manifest in all the mechanical industries....

"The danger lies in the pace becoming so rapid that there is little opportunity, such as usually exists with the rhythmically beating heart, for recuperation between successive discharges of energy. At the end of the day's work, therefore, the physiological mechanism involved is too often near exhaustion and even the rest of the body may suffer likewise." ³⁶

When an employee is required to remain continuously at a definite station or machine, trade unions now demand that he shall be given a relief of sufficient time to take care of his needs. A relief worker should take his place on the belt or machine for 15 minutes; or the machines should be stopped for a rest pause during the morning and another during the afternoon.

In fatigue, waste products accumulate in the blood, undermine vitality and predispose the worker to illness. Unless the employee gets adequate rest, this fatigue increases from hour to hour, from day to day, and month to month.

Every industry has its special occupational hazards. Physicians have pointed out that overwork and long working hours, lack of sunshine or fresh air naturally increase the worker's susceptibility to industrial diseases. In particularly dangerous trades, workers who are overfatigued and exhausted are more readily attacked by the disease of the trade. Tuberculosis often results directly from overwork, long hours in bad air, and too long sitting in a constrained position.

Too little time for lunch during the workday gives the worker no chance properly to wash his hands before eating. When the time allowed for a meal is only 30 minutes, workers usually do not try to leave the plant, but eat their sandwiches by the machines. Industrial poisons may be carried on the worker's hands to the mouth and enter the system. Length of noon hour and rest pauses and length of the working day thus directly affect the control of occupational diseases.

Night work if continued for too long a time is bad for the employee's health. Working time from 12 midnight to 8 A.M. or from 11 P.M. to 7 A.M., known as the "graveyard" shift, means that the worker cannot sleep during normal sleeping hours. Human beings always find it more difficult to sleep during the daytime when others are awake. Under this system rest time is cut short. Months of night work without a change of shifts may mean less resistance to disease.

Trade unions are therefore justified in seeking higher pay for night work, especially on the third shift. A number of companies have recently agreed to pay a bonus or premium for night work. One company reported that it was paying a 10 per cent bonus over the base rate to men on the second shift (4 P.M. to 12 M.) and 15 per cent to men on the "graveyard" shift. Another company reported that even though it used a rotating shift schedule, it paid a 5 cent an hour bonus to all employees working between the hours of 7 P.M. and 7 A.M. Still another company said it paid all men working on rotating shifts an additional 10 per cent bonus over the base rate of pay for the job. "In this instance, the employer felt that the ten per cent bonus tends to compensate the men for the necessity of changing living habits every four weeks (which is the rotating schedule)." ³⁷

Fatigue from speed-up and long hours, physicians agree, plays a considerable part in causing industrial accidents. When over-tired the worker cannot pay as close attention to the machine

nor react as quickly to a warning of danger. After a certain number of working hours the number of accidents tends to rise. During the next-to-the-last hour of work, when muscular control and attention are at their lowest, accidents are most frequent. "During the last hour the accident rate may fall, owing to decreased rate of output and anticipation of rest." ³⁸

Occupational accidents take an enormous toll of life and working ability, as shown in figures of the U. S. Bureau of Labor Statistics. Such accidents killed over 18,000 workers in United States industries in 1940, and injured 1,800,000. The deaths alone averaged about 60 each working day. The employee-days lost in actual absence from work are estimated at 41,912,000, enough to have provided 140,000 workers with full-time employment during the entire year. Yet this estimate does not include the economic time loss caused by deaths and permanent disabilities.³⁹ Four times as many man-days are lost by accidents in industry as by strikes. A majority of these industrial accidents could be prevented, experts agree. In such prevention the control over speed-up and shortening of work hours are important factors.

To the employers' pressure for changes in the Fair Labor Standards Act to permit longer hours, labor answers that the employee must preserve his capacity to work for years to come. He must be able to work tomorrow with the normal measure of health, energy and freshness that he possesses today. Too long a working day may use up more of his strength than he can replace in three days. By prolonging the worker's hours of production during the best part of his life the company will thus shorten his life as a whole. Longer working hours may cause the premature exhaustion and death of the worker.

PRODUCTIVITY INCREASES

In attacking 40-hour week laws in the United States, the National Industrial Conference Board, employers' research

agency, has gone so far as to claim: "If this restriction on working hours [*i.e.*, in the wage-hour and the Walsh-Healey acts] were relaxed for the duration of the emergency to allow a 50-hour week, the productive effectiveness of the existing supply of skilled labor would immediately be increased by 25 per cent; a 54-hour week would mean an increase in effectiveness of 35 per cent; a 60-hour week, an increase of 50 per cent."⁴⁰

If this were true then it might be expected that working 120 hours instead of 40 each week would increase productive effectiveness by 200 per cent. But this whole argument that "the more you work, the more you produce" has been proved a fallacy. During the World War (1914-18) the British government learned from a series of experiments in war industries that by reducing the working hours from 66 to 47½ hours a week, production was not lowered but increased about 13 per cent.

British experience in World War I and World War II may be summarized in the following points:

1. Except for short periods, an extension of the usual hours of work does not give a proportional increase in output.
2. The high production level which follows with the introduction of overtime soon subsides and is followed by a production level which the worker feels he can maintain over a longer number of hours without overfatigue. Total output level may be no higher, in fact may be lower, than during the shorter workweek.
3. Not only does production drop during extended overtime, but after the overtime has been discontinued, it takes some time to regain the higher hourly production levels. The hourly output mounts slowly, and it may take months before a steady equilibrium is attained. The adaptation time usually is shorter with simpler operations.
4. Excessive increases in working hours lead to increased lost time during work, absenteeism and sickness, as well as to a decreased rate of production per hour of actual work. When

hours were lengthened from 47 to 60 a week in the first part of 1940, the illness rate increased by 10 per cent.

5. The reduction in hourly output, as working hours are extended, is most pronounced on processes requiring heavy manual labor and on processes where the worker has a considerable degree of control over his speed of operation.

6. Rest periods help to maintain production at high levels, particularly if the worker can take food during these periods. Workers must rest, even while at work, and organized rest periods are better than rest periods which workers take of their own accord.⁴¹

American experience bears out these conclusions. An experiment in a textile mill in Philadelphia, for example, showed that rest periods increased the workers' output. During one month "when the workers were made to stop work for 40 minutes a day, in four periods, and lie down and rest, production was 10 per cent greater during the month."⁴² The Kellogg Co. at Battle Creek, Michigan, introduced the six-hour day, four-shift schedule, in December, 1930. Finding it so efficient that the plan has been continued, the company has reported it means less waste of time and less tendency to succumb to monotony.

In manufacturing, mining, and steam railroad industries, average weekly hours of work were reduced from 56.2 in 1923-25 to 35.7 in 1938—a drop of 21 per cent. During these 15 years, productivity or output per man-hour in these industries steadily increased; there was no break in the trend at any time. In testimony before the Temporary National Economic Committee, its economic adviser Theodore J. Krepes quoted recent studies to show this rise in productivity as reflecting technological changes:

"By 1938 the productivity of labor had increased over 1923-25 levels by 44 percent in manufacture, 44 percent in railroads, 99 percent in mineral industries, 116 percent in electric light and power, 40 percent

in automobile and parts manufacturing, 51 percent in blast furnaces, steel works, and rolling mills, 55 percent in paper and pulp manufacture, 38 percent in cotton textile manufactures, and 153 percent in the manufacture of tobacco products. . . The increase has ranged as high as 241 percent for rayon, in 8 industries they were in excess of 50 percent, and in 22 others range from 25 percent to 50 percent. Such is the magnitude of the technological advance in the midst of which we now find ourselves."⁴³

Such increases in output per man-hour clearly indicate that total output can rise while working hours are reduced. In testimony before the temporary National Economic Committee, union representatives cited many examples of such increased production on the basis of shorter hours. President Emil Rieve of the Textile Workers Union of America (CIO) reported:

"A study of 5 major branches of the textile industry indicates that the total number of man-hours of work contracted by 20.4 percent between 1919 and 1939, despite the increase in the total volume of production of a minimum of 25 percent. . . .

"In the cotton-textile industry, production increased 18 percent between 1919 and 1939, but man-hours of work declined 28 percent. The overall increase in production of 21 percent in the woolen and worsted industry between 1919 and 1939 was offset by a sharp decline in man-hours of work of 32 percent. The probable doubling of production in the silk and rayon industry was accompanied by a reduction in man-hours of 38 percent."⁴⁴

Similarly, James B. Carey, then general president of United Electrical, Radio and Machine Workers, reported for the electrical industry that hours worked per week in 1939 were about 25 per cent under 1929. Productivity per man-hour in the heavy goods section of the industry had increased by 32 per cent in those ten years and was 29 per cent above so recent a year as 1937. In radio, productivity was more than 100 per cent higher than in 1929. He estimated that the electrical industry in 1940 could produce the same amount of electrical machinery as was produced in 1929, with about 24 per cent fewer workers.

Arguing that in the electrical industry a 35-hour week should be the workweek, he said:

"Our own studies show that if as many employees were working in our industry as in 1929, but were working on a 35-hour week, then total production would be approximately the same as in 1929."⁴⁵

Increased productivity in practically every industry means that fewer workers can produce the same amount of goods—or more. While productivity rises, employment falls. In their testimony before the Temporary National Economic Committee all union representatives pointed to the unemployment caused by recent technological changes in industry. Philip Murray, chairman of the Steel Workers Organizing Committee (later president of the Congress of Industrial Organizations), reported that in the steel industry widespread introduction of strip mills would eventually displace about 85,000 steel workers, of whom over 38,000 had already lost their jobs.⁴⁶ In coal mining over 78,000 men were eliminated by technological changes in the industry during the 15 years from 1923 to 1938.

Industrial production as a whole rose nearly 60 per cent between January, 1939, and July, 1941, largely because of expansion in the defense industries. But some 5,700,000 workers were still jobless in July, 1941. It is clear that more men and women could have jobs and production could be further expanded without lengthening the basic workweek of those now employed.

In a planned society, efficiently organized to promote human welfare, industry could probably provide for all the needs of the population on the basis of a 16-hour workweek of four hours a day, four days a week. Professor Rexford Guy Tugwell, formerly of Columbia University and later economist in the U. S. Department of Agriculture, has urged "that machinery be made to work for us longer and faster than it characteristically does. If this involves cutting down the hours of men involved to six or to four, and the operation of four or six shifts in the day, the increased product would enable us to

maintain as high or higher wages.... It would seem worth trying." 47

Walter N. Polakov, now director of the United Mine Workers' engineering department, has said that "fifty weeks, four days, six hours is enough"—a 24-hour week and two weeks' vacation. Harold Rugg in *The Great Technology* estimated a possible minimum living standard between ten and twenty-fold greater than the minimums of 1929, on a 16 to 20-hour work-week. 48

PROFITS FROM OVERTIME

Employers organized in the National Association of Manufacturers, the Chamber of Commerce of the United States, and other groups have constantly opposed payment of overtime work rates, as required by the Fair Labor Standards Act and the Public Contracts Act, for hours beyond the 40-hour a week limit. They have argued that extra overtime payments resulted in higher costs. On defense contracts this was one of the arguments used in demanding higher prices from the government.

Labor, on the other hand, has pointed out that greater volume of output, savings on overhead costs, and more efficient use of plant and equipment have more than compensated for what employers pay to workers in overtime rates. The demand for price increases, labor argues, is inspired by employers' greed for higher profits.

A government study bears out labor's argument and conclusively refutes the employers' claim. The U. S. Bureau of Labor Statistics recently examined 260 corporations in 26 war industries to discover the effect of a 20 per cent increase in working hours above those actually worked in 1939. It was found that this rise in working hours, assuming payment of overtime rates for the extra hours, would increase the combined earnings of the 260 companies by \$75,284,000 or by 2.6 per cent.

This was a very conservative estimate, the Bureau said, since

it allowed for an output increase of only 16 per cent with a 20 per cent increase in working hours, because of lowered productivity of labor during the added hours. In actual experience, the study pointed out, the employers' profits, despite payment of overtime, would be increased substantially more than these estimates indicate. The Bureau concluded:

"That, in general, the increase in income from sales without an increase in prices is more than adequate to absorb overtime charges and all other costs incurred as a result of the expansion. . . . With the exceptions noted, the yield on business investment would be sustained or improved without increased prices after the full absorption of overtime wage payments." 49

WORKING HOURS IN WARTIME

In December, 1941, the United States was drawn into the world war against the fascist Axis powers. Immediately, the battle for production in war industries became part of the most important frontline defense.

Trade union leaders recognized at once that defeat of fascism was necessary for labor's own defense. The triumph of nazism or fascism would mean the end of trade unions in this country as it did in Germany and Italy. To help win victory in the United Nations' struggle against the Axis was labor's first and main responsibility.

Ready to co-operate in every way with the government's war program, trade unions took the initiative in plans for greater output of guns, tanks, battleships, airplanes and other war supplies. CIO President Murray's plan, calling for joint action by labor and management, headed labor's proposals for increased production. These plans outlined maximum efforts in all defense industries, with full employment of machinery and of manpower.

With some five million workers still jobless in the United States at the beginning of 1942, it was clear that thousands

could be trained and re-employed in defense plants. Many employers in war industries chose to abandon overtime and take on new employees.

Continuous operation for 168 hours a week called for three to four shifts. A number of states suspended state hour laws covering women employees to permit women in war industries to work on the nightshift and to allow overtime where necessary. But the individual worker's basic 40-hour week, with time-and-a-half for overtime, was still maintained. Scientific studies of efficiency in this country and Great Britain were widely quoted to show that the worker's maximum productivity can be attained and held only on a workweek of less than 55 hours.

Reorganization of shifts and hour schedules became a practical problem for all unions in war industries. To protect their members against excessive overtime and against too long continued night work, trade unions have insisted that hour schedules be decided upon in closest co-operation with the unions in each industry. Trade union representatives know what workers want and need. Production methods must be efficient, but the health of the people involved must be protected.

The year 1941 rounded out a century and a half of struggle for progressive shortening of the workday and workweek. Organized labor, eleven million strong in 1942, was doing its utmost in the battle for production. At the same time it was determined to maintain its hard-won gains, proved necessary for health and efficiency, and to extend these benefits to millions not yet organized.

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